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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,833	02/27/2004	Dewayne Turner	020569-05007	6924

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EXAMINER

GAY, JENNIFER HAWKINS

ART UNIT

PAPER NUMBER

3672

DATE MAILED: 04/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/788,833	TURNER ET AL.	
	Examiner	Art Unit	
	Jennifer H. Gay	3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 23-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,23-26,55-63 and 65 is/are allowed.
- 6) ☒ Claim(s) 27,28,30,38,39,41-43,46,49,64,66 and 67 is/are rejected.
- 7) ☒ Claim(s) 29,31-37,40,44,45,47,48 and 50-54 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

2. Claims 27, 28, 30, 38, 39, 41-43, 46, 49, 64, 66, and 67 are rejected under 35 U.S.C. 102(b) as being anticipated by Crowe (US 3,771,603).

Regarding claims 27, 66: Williamson, Jr. discloses an isolation system that includes an isolation pipe **136** that includes a pressure activated valve **300, V3** for a first flow path (the flow path through the valve) and coupled to the pipe and a tool shiftable valve **176** for a second flow path (the through bore of the assembly) coupled to the pipe and in communication with the pressure activated valve (3:35-47). *(With regards to claim 66, the examiner notes that the isolation pipe itself extends below the packer assemblies and the claim does not require that the valves be located below the packer assemblies.)*

Regarding claim 28: The tool shiftable valve is a sliding sleeve that is shiftable between an open and closed position.

Regarding claim 30: The isolation pipe defines a port (either the inlet or outlet of the pipe) through which fluid is allowed to flow when the tool shiftable valve is open.

Regarding claims 38, 46, 64, 67: Williamson, Jr. discloses a method for using the above system that involves inserting the tool into a wellbore, shifting the tool shiftable valve, stinging a string into the isolation string, and then opening the pressure activated valve by pressurized fluid acting on the valve (Abstract, 15:40-42, 16:31-17:20).

Regarding claim 39: The pressure activated valve is opened while the tool shiftable valve is in the wellbore.

Regarding claim 41: The pipe includes an isolation string.

Regarding claim 42: Production fluid is allowed to flow through both valves.

Regarding claim 43: The tool shiftable valve is shifted using a shifting tool.

Regarding claim 49: The shifting tool is removed from the wellbore after shifting the tool shiftable valve.

Allowable Subject Matter

3. Claims 1, 2, 23-26, 55-63, and 65 are allowed.
4. Claims 29, 31-37, 40, 44, 45, 47, and 48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. In view of applicant's amendment, the objections to the drawings and claims have been withdrawn.
6. Applicant's arguments filed March 30, 2006 have been fully considered but they are not persuasive.

Applicant has argued that Crowe does not teach a tool shiftable valve with a second flow path. The examiner disagrees and notes that the central through bore of the assembly is the flow path of the tool shiftable valve while fluid must flow through an alternate path to pass through the pressure activated valve.

Applicant has argued that the tool shiftable valve is inoperable when the pressure activated valve is present. The examiner notes that claim 27 is an apparatus claim and Crowe does teach both a pressure activated and a tool shiftable valve on an isolation pipe where both valves are operable at some point during the use of the tool.

Applicant has argued that the valves are located above the packing assembly of Crowe thus the pipe is not an isolation pipe. The examiner reiterates that claim 27 is an apparatus claim and thus the placement of the isolation pipe with relation to the packing assembly is not relevant as the pipe still isolates fluid flow through the well.

Applicant has argued that the tool shiftable valve would have to be locked open and the pressure activated valve would have to be set in place prior to the string being run

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into the wellbore in order for Crowe to meet the limitations of claims 38, 46, and 64. The examiner disagrees and notes that the above claims do not require that the valves be located on or within the isolation pipe prior to the pipe being inserted into the wellbore. Crowe teaches an isolation pipe that is inserted into the wellbore where the pipe includes both valves after it has been inserted into the wellbore.

Applicant has argued that the tool shiftable valve be shifted after the isolation pipe is set in place. The examiner disagrees and notes that claims merely require that the tool valve be operable in the well. Without a specific recitation or indication of the order of the steps within a claim, the applied reference need only teach the steps recited in the claim regardless of the order.

Applicant has argued that the pressure activated valve of Crowe does not include a moveable sleeve as required in claim 64. While the examiner agrees that Crowe does not specifically teach that the valve has a shiftable sleeve, some feature of the valve must be shiftable in order for the valve to move between an open and closed position.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

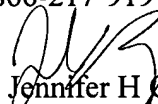
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer H. Gay whose telephone number is (571) 272-7029. The examiner can normally be reached on Monday-Thursday, 6:30-4:00 and Friday, 6:30-1:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jennifer H. Gay
Primary Examiner
Art Unit 3672


JHG
April 20, 2006